

REMARKS

This application has been reviewed in light of the Office Action dated April 18, 2006. Claims 10-18 are presented for examination. Claims 1-9 have been canceled, without prejudice or disclaimer of subject matter. Claim 10-18 have been added to provide Applicants with a more complete scope of protection. Claims 10 and 18 are in independent form. Favorable reconsideration is requested.

The specification has been amended to include domestic priority data claimed by Applicant at time of filing this application. In particular, Applicant has amended the specification at page 1 to include a cross reference to related application. Specifically, that this application is a continuation of U.S. Patent Application No. 09/577,982 filed on May 25, 2000, now having issued as U.S. Patent No. 6,656,189, and the entire contents of which are expressly incorporated herein by reference.

The specification has also been amended, at page 9, line 1, to include text describing reference character 83 that was inadvertently omitted, but which appears in U.S. Patent No. 6,656,189, from which this application claims priority from. Because at time of filing, the entire disclosure of the prior application is considered part of the disclosure of the instant application and incorporated by reference herein, Applicants submit that no new matter has been added by this amendment to the specification.

The Office Action objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5) because reference character 83 is not mentioned in the specification. As noted above, Applicants have amended the specification to include text describing reference character 83. It is believed that the objection to drawings has been remedied, and its withdrawal is therefore respectfully requested.

Claims 1-7 were rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-7 of prior U.S. Patent No. 6,656,189.

Claims 8 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,630,805 (Ternamian).

Cancellation of claims 1-9 renders the rejections of those claims moot, but Applicants submit the following comments regarding the patentability of new Claims 10-18 over these cited references.

Claim 10 is directed to a method of using a radiolucent aiming guide for locating a hole in an implanted intramedullary nail and inserting a locking screw therein. The method includes the steps of inserting the intramedullary nail, having at least one nail hole, into a

medullary canal of a bone, positioning an imaging source and imaging monitor such that the imaging source is parallel to an axis of the intramedullary nail hole, and inserting a trocar, having a longitudinal axis and a radiopaque tip at a distal end, into a protection sleeve of the radiolucent aiming guide, the radiolucent aiming guide including a pair of radiopaque pins disposed within a handle of the radiolucent aiming guide. The method further includes aligning the axes of the protection sleeve and the trocar with the imaging source, replacing the trocar from the protection sleeve with a drill sleeve, inserting a drill bit through the drill sleeve and aligning the axes of the protection sleeve and drill bit with the imaging source and the intramedullary nail hole. The method further includes accurately drilling through the intramedullary nail hole and surrounding bone material, removing the drill bit and drill sleeve, and inserting a locking screw through the protection sleeve and screwing the locking screw through the bone material and nail hole to secure the intramedullary nail to the bone.

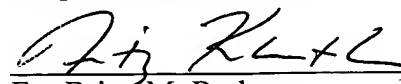
In contrast, claims 1-7 of U.S. Patent No. 6,656,189 are directed to a radiolucent aiming guide, and not a method for using such a guide. For at least this reason, Applicants submit that new claims 10-18 are not claiming the same invention as claims 1-7 of U.S. Patent No. 6,656,189.

U.S. Patent No. 5,630,805 (Ternamian) was cited in the Office Action as allegedly disclosing a protection sleeve and a trocar. Ternamian apparently relates to devices for gaining access to various body cavities for endoscopic procedures. Applicants have found nothing in Ternamian that teaches or suggests a method of using a radiolucent aiming guide as recited in independent claims 10 or 18.

In view of the above, it is respectfully submitted that the present application is in a condition for allowance. A favorable disposition to that effect is respectfully requested. Should the Examiner have any questions or comments concerning this submission, he is invited to call the undersigned at the phone number identified below.

Respectfully submitted,

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